

STEPHENS et al.
Application No.: 09/438,185
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- 1 20. (New) The composition of claim 18, further comprising an
2 adjuvant.
- 1 21. (New) The isolated *Chlamydia pneumoniae* protein of claim 17,
2 which is bound to a solid surface.
- 1 22. (New) The isolated *Chlamydia pneumoniae* protein of claim 21,
2 wherein the solid surface is nitrocellulose.

REMARKS

After entry of this amendment claims 11-22 are pending in the present application. Applicants had previously elected, with traverse, to prosecute claim 9 and SEQ ID NO: 1047 (Cpn 1046). Applicants note with appreciation that the Examiner indicated that the subject matter of claim 9 was allowable, but rejected the claim under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. The rejection under §112, second paragraph, is rendered moot by the cancellation of claim 9.

New claims 11 and 12 are based on claims suggested in the Office Action and are therefore understood to be in condition for allowance. New claims 13-16 add further limitations to claim 11 and are supported in the specification as follows. Claims 12 and 13 are supported at page 28, line 28. Claim 14 finds support on page 29, line 26. Claims 15 and 16 are supported at page 26, lines 3-6.

New claims 17-22 are based on claims 11-16. Claims 18-22 find support in the same language noted for claims 12-16. Claim 17 differs from claim 11 in that it covers variants of SEQ ID NO: 1047. Support for claim 17 is found in at page 6, line 15 and at page 9, lines 24-27. These claims encompass variants of SEQ ID NO: 1047 that can be made and tested using routine procedures. Applicants respectfully submit that in light of the allowability of claims 11-16, claims 17-22 are also allowable.

Objection to the Specification

The specification was objected to because the title and abstract were allegedly not descriptive. The title and abstract have been amended with this response.

A substitute specification was requested because pages 73-122 of the specification (Table 3) are improperly formatted and are allegedly illegible. In addition, the specification was objected to under 37 C.F.R. § 1.821(d) because the sequences disclosed in Table 3 are not individually associated with sequence identifiers.


Rather than provide a substitute specification, Table 3 has been canceled with this amendment. The sequences disclosed there are identical to SEQ ID NOs: 2-1074 of the Sequence Listing submitted October 20, 2000. Since the information is duplicative, these pages have been canceled. A new Sequence Listing is submitted with this amendment that incorporates the Cpn numbers of Table 3 into the Sequence Listing. Thus, the information lost by cancellation of the table has been incorporated into the Sequence Listing.

In light of the above, a substitute specification as requested in the Office Action is not necessary. Applicants respectfully request withdrawal of the objections to the specification.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

- 1 11.(New) An isolated *Chlamydia pneumoniae* protein comprising the
2 amino acid sequence set forth in SEQ ID NO: 1074.
- 1 12.(New) A composition comprising the isolated protein of claim 11,
2 and a carrier.
- 1 13. (New) The composition of claim 12, wherein the carrier is an
2 aqueous carrier.
- 1 14. (New) The composition of claim 12, further comprising an
2 adjuvant.
- 1 15. (New) The isolated *Chlamydia pneumoniae* protein of claim 11,
2 which is bound to a solid surface.
- 1 16. (New) The isolated *Chlamydia pneumoniae* protein of claim 15,
2 wherein the solid surface is nitrocellulose.
- 1 17. (New) An isolated *Chlamydia pneumoniae* protein comprising an
2 amino acid sequence
3 (i) at least about 80% identical to the sequence set forth in SEQ ID NO:
4 1047; or
5 (ii) encoded by a nucleic acid that hybridizes to a sequence consisting of
6 residues 1200537 to 1201343 of SEQ ID NO: 1, under hybridization conditions that
7 include a wash at 65°C in 0.2x SSC and 0.1% SDS.
- 1 18. (New) A composition comprising the isolated protein of claim 17,
2 and a carrier.
- 1 19. (New) The composition of claim 18, wherein the carrier is an
2 aqueous carrier.

1 20. (New) The composition of claim 18, further comprising an
2 adjuvant.

1 21. (New) The isolated *Chlamydia pneumoniae* protein of claim 17,
2 which is bound to a solid surface.

1 22. (New) The isolated *Chlamydia pneumoniae* protein of claim 21,
2 wherein the solid surface is nitrocellulose.